

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Tonia B. Thompson,	:	
	:	Case No. 1:21-cv-507
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Adopting Report and
Commissioner of Social Security,	:	Recommendation
	:	
Defendant.	:	

This matter is before the Court on the Report and Recommendation (“R&R”) entered by Magistrate Judge Stephanie K. Bowman on February 21, 2023. (Doc. 15.) The Magistrate Judge recommends granting Plaintiff’s Attorney’s Motion for Attorney’s Fees Under Social Security Act, 42 U.S.C. § 406(b) (Doc. 13) and awarding Attorney James Roy Williams a total net fee of \$8,363.25 under 42 U.S.C. § 406(b). This amount reflects a total gross fee award of \$12,263.25 offset by the Equal Access for Justice Act (“EAJA”) fee of \$3,900.00 previously awarded to him for the same work.

Title 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure Rule 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive motions that have been referred to them. Parties then have fourteen days to make, file and serve specific written objections to the report and recommendations. 18 U.S.C. 636(b)(1); Fed. R. Civ. P. 72(b)(2). If a party files objections to a report and recommendation on a dispositive matter, a district judge must review it under the *de novo* standard. *Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). When no objections are filed, “[t]here is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review [the] magistrate’s report.” *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also Weir v. Centurion*, No. 3:19-CV-00131, 2021 WL

5165930, at \*1 (M.D. Tenn. Nov. 5, 2021) (“The district court is not required to review, under a de novo or any other standard, those aspects of the report and recommendation to which no objection is made.”). Nonetheless, some district courts follow the Advisory Committee Notes to Rule 72(b) and review the report and recommendation for clear error. *See e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-CV-2768, 2022 WL 16535903, at \*1 (S.D. Ohio Oct. 28, 2022); *Lassiter v. Dullaghan*, No. 1:10-CV-010, 2011 WL 110259, at \*1 (S.D. Ohio Jan. 13, 2011). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1) (substantially similar).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R have been filed. The Court finds no clear error and agrees with the well-reasoned R&R.

Accordingly, it is **ORDERED** that the R&R (Doc. 15) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff’s Attorney’s Motion for Attorney’s Fees (Doc. 13) under 42 U.S.C. § 406(b) is **GRANTED**. Attorney Williams is awarded a net attorney’s fee award under 42 U.S.C. § 406(b) of **\$8,363.25**.

**IT IS SO ORDERED.**

BY THE COURT:

S/Susan J. Dlott  
Susan J. Dlott  
United States District Judge